

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for October 26th, 2005 PLANNING COMMISSION MEETING

P.A.S.: Stevens Creek Pointe, Special Permit #1883A, Community Unit Plan

PROPOSAL: An amendment to the Special Permit to add 2 dwelling units and land area of two lots to the Stevens Creek Pointe Community Unit Plan, generally located at North 134th and Adams Street.

LOCATION: N. 134th Street and Adams.

WAIVER REQUEST:

The same waivers approved with the original Stevens Creek Pointe SP #1883;

1. Sidewalks
2. Street trees
3. Street lighting
4. Landscape screens.
5. Storm water detention
6. Block length

LAND AREA: 153.850 acres, more or less

CONCLUSION: This is conformance with the Comprehensive Plan, Zoning and Subdivision Ordinance. The waivers are typical for rural development and matches those approved. This is dependent on the approval of the related request for Change of Zone # 05072 to allow the absorption and relocation of adjoining buildable lots.

<u>RECOMMENDATION:</u>

Conditional Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: Lot 1, Block 1; Lots 1-3, Block 2; Lots 1-3, Block 3; Outlots A, B, and C, all of Stevens Creek Pointe Addition and Lot 31 and 32 I.T., all located in the Southeast Quarter of Section 8, Township 10 North, Range 8 East of the 6th P. M., Lancaster County, Nebraska.

EXISTING ZONING: Ag Agriculture with a Community Unit Plan for 7 lots.

EXISTING LAND USE: Acreages and outlot in the CUP and two abutting “grandfathered” parcels.

SURROUNDING LAND USE AND ZONING: Agriculture, zoned AG on all sides. LES Transmission line on the west boundary and diagonally across the southern portion of this property. LES substation to the south. One single family residence abutting at the southwest corner and two single family residences to the northeast.

ASSOCIATED APPLICATIONS: Change of Zone # 05072 to allow the addition of pre-existing buildable lots into a CUP.

HISTORY: Stevens Creek Point CUP was approved in February 2001. Zoning was changed from AA Rural and Public Use to AG in the 1979 zoning update.

COMPREHENSIVE PLAN SPECIFICATIONS: The 2025 Comprehensive Plan shows this area as Agriculture and Green Space along the drainage way. This is in the Lincoln Growth Tier II. A housing cluster is permitted by special permit.

UTILITIES: Individual waste water systems are proposed. Lagoons will be permitted if percolation does not allow sub-surface fields. Cass County Rural Water is proposed.

TOPOGRAPHY: Rolling land, draining to the north.

TRAFFIC ANALYSIS: Adams and N.134th are gravel county roads. The closest paving is 148th Street, one mile east or Holdrege Street one mile south.

PUBLIC SERVICE: This area is served by the Waverly Rural Fire District, the station is located in Waverly, approximately 4 miles north. This is in the Norris Public Power District.

REGIONAL ISSUES: Clustering and Build-through.

ENVIRONMENTAL CONCERNS: There are no historic resources identified in this parcel. There is no mapped FEMA 100 year flood plain. There are two treed waterways. The lot layout avoids these resources. The soil rating is 4.7 on a range of 1 to 10 where 1 to 4 are prime agriculture land. This is good, but not prime, agricultural land.

AESTHETIC CONSIDERATIONS: This will relocate the existing lots into the CUP.

ALTERNATIVE USES: Remain as a CUP of 7 lots with the two abutting grandfathered lots.

ANALYSIS:

1. This request is to expand the land area of an existing Community Unit Plan to include two lots and to relocate the two dwelling units adjacent to the currently approved 7 acreage residential lots. The applicant is proposing a private, gravel, internal street,

Cass County rural water service, individual waste disposal and three outlots, one for the road, one for future access to the south and one for continued farming. No bonus is being requested. This is an adjustment pulling two abutting buildable lots into the CUP.

2. Waivers approved in the original special permit are carried through and reflect the normal adjustments to accomplish a cluster style of acreage CUP.
3. This request is in conformance with the Comprehensive Plan.
4. This request is dependent on approval of Change of Zone #05072 to allow the abutting small buildable “grandfathered” lots to be moved into this CUP.
5. The density calculations for the project are as follows;

147.733 acres at 0.055 dwellings per acre	=	7.38 dwellings
No bonus requested		
Plus two preexisting lots on 6.1 acres	=	2 dwellings
Permitted (with the text change)		9 dwellings
Requested		9 dwellings

Note; The existing special permit approved 7 dwellings, this is adding 2 dwellings plus the land area of the two lots.

6. This design does not need to include provisions for Build Through as it preexisted the new rule and is a minor adjustment.
7. The County Engineer’s memo of September 19 notes no objections.
8. LES notes the need for easement adjustments.
9. The Lincoln/Lancaster County Health Department notes no objection.

CONDITIONS:

Site Specific:

1. This approval permits 9 dwelling units.

2. If any final plat on all or a portion of the approved community unit plan is submitted five (5) years or more after the approval of the community unit plan, the city may require that a new community unit plan be submitted, pursuant to all the provisions of section 26.31.015. A new community unit plan may be required if the subdivision ordinance, the design standards, or the required improvements have been amended by the city; and as a result, the community unit plan as originally approved does not comply with the amended rules and regulations.
3. Before the approval of a final plat, the public streets, private roadway improvements, drainage facilities, land preparation and grading, sediment and erosions control measures, drainageway improvements, temporary turnaround and barricades, and street name signs, must be completed or provisions (bond, escrow or security agreement) to guarantee completion must be approved by the City Law Department. The improvements must be completed in conformance with adopted design standards and within the time period specified in the Land Subdivision Ordinance.
4. Permittee agrees:
 - 4.1. to complete any other public or private improvement or facility required by Chapter 26.23 (Development Standards) of the Land Subdivision Ordinance in a timely manner which inadvertently may have been omitted from the above list of required improvements.
 - 4.2 to submit to the Director of Public Works a plan showing proposed measures to control sedimentation and erosion and the proposed method to temporarily stabilize all graded land for approval.
 - 4.3 to complete the public and private improvements shown on the Community Unit Plan.
 - 4.4 to retain ownership of or the right of entry to the outlots in order to maintain the outlots and private improvements on a permanent and continuous basis and to maintain the plants in the medians and islands on a permanent and continuous basis. However, the subdivider may be relieved and discharged of this maintenance obligation upon creating, in writing, a permanent and continuous association of property owners who would be responsible for said permanent and continuous maintenance. The subdivider shall not be relieved of such maintenance obligation until the private improvements have been satisfactorily installed and the documents creating the association have been reviewed and approved by the City Attorney and filed of record with the Register of Deeds.
 - 4.5 to submit to the lot buyers and home builders a copy of the soil analysis.

4.6 to comply with the provisions of the Land Preparation and Grading requirements of the Land Subdivision Ordinance.

4.7 to properly and continuously maintain and supervise the private facilities which have common use or benefit, and to recognize that there may be additional maintenance issues or costs associated with providing for the proper functioning of storm water detention/retention facilities as they were designed and constructed within the development, and that these are the responsibility of the land owner.

4.8 to maintain County roads until the County Board specifically accepts the maintenance.

General:

5. Before receiving building permits:

5.1 The permittee shall complete the following instructions and submit the documents and plans to the Planning Department office for review and approval.

5.1.1 Revise the easements as requested in the LES memo of January 7, 2005.

5.1.2 Remove the signature block for the City Council and add the Resolution # line to the Planning Commission block.

5.1.3 A permanent final plan with 5 copies as approved.

5.2 The construction plans comply with the approved plans.

5.3 Final plat(s) is/are approved by the City.

5.4 The required easements as shown on the site plan are recorded with the Register of Deeds.

STANDARD CONDITIONS:

6. The following conditions are applicable to all requests:

6.1 Before occupying this Community Unit Plan all development and construction is to comply with the approved plans.

- 6.2 Before occupying these dwellings City/County Health Department is to approve the water and waste water systems.
 - 6.3 All privately-owned improvements, including landscaping and recreational facilities, are to be permanently maintained by the owner or an appropriately established homeowners association approved by the City.
 - 6.4 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
 - 6.5 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
 - 6.6 The applicant shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the applicant.
7. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all resolutions approving previous permits remain in force unless specifically amended by this resolution.

Prepared by

Mike DeKalb, 441-6370, mdekalb@lincoln.ne.gov

DATE: September 28, 2005

APPLICANT: Brian D. Carstens
Brian D. Carstens and Associates
601 Old Cheney Road, Suite 'C'
Lincoln, NE 68512
(402) 434-2424

OWNER: Gerry and Dianne Krieser
5212 Troon Drive
Lincoln, NE 68526
(402) 327-0521

CONTACT: Brian D. Carstens
(402) 434-2424

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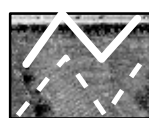
2005 aerial

Special Permit #1883A N. 134th & Adams St.

Zoning:

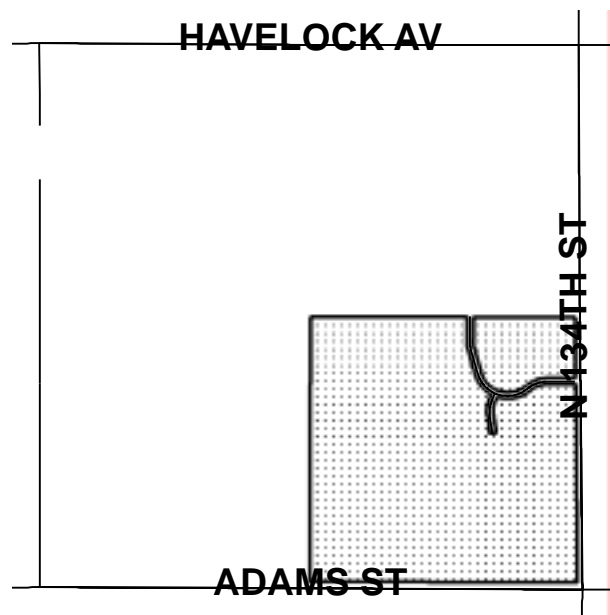
One Square Mile
Sec. 08 T10N R08E

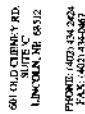
R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District



Zoning Jurisdiction Lines

City Limit Jurisdiction





AMENDED
COMMUNITY
UNIT PLAN
SPECIAL PERMIT
#1883A (CITY)

N. 134TH STREET
& ADAMS STREET

SCALE: 1"=100'

PROJECT NO: 927
DATE: 4/27/00
REVISIONS: 11/13/2000
12/7/2000
9/6/2003

1 OF 3

DATE _____

CHECK # _____

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**Special Permit #1883A
N. 134th & Adams St.**

PLANNING DEPARTMENT
CITY OF LANCASTER, CALIFORNIA

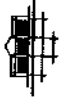
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BRIAN D.
CARSTENS
& ASSOCIATES

LAND PLANNING
RESIDENTIAL
& COMMERCIAL
DESIGN

601 OLD CEMETERY RD.
LINCOLN, NE 68512
PHONE: (402) 434-2324
FAX: (402) 434-0667

STEVENS
CREEK
POINTE

AMENDED
COMMUNITY
UNIT PLAN
SPECIAL PERMIT
#1883A (CITY)

N. 134TH STREET
& ADAMS STREET
LINCOLN, NE

GRADING
PLAN

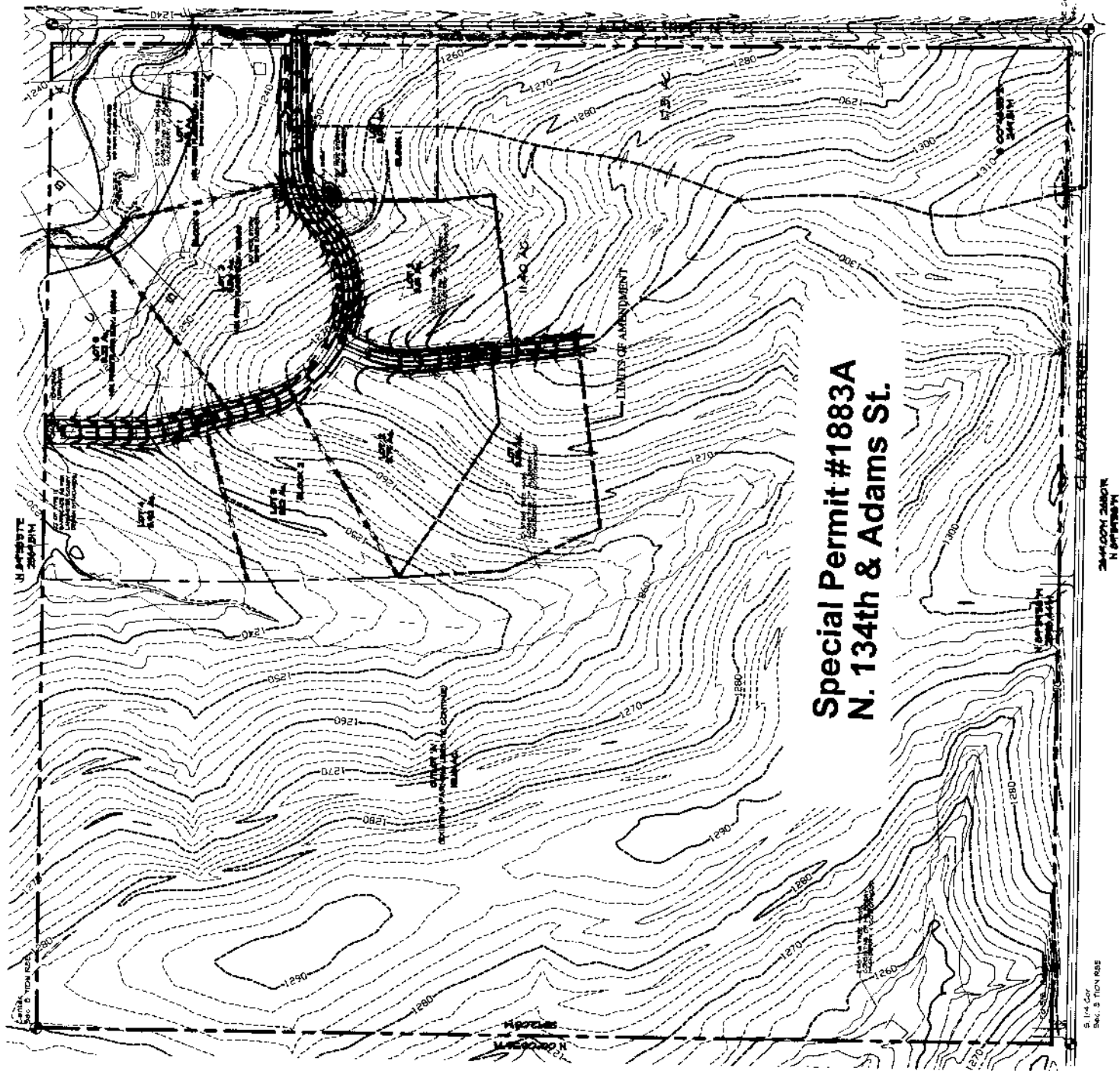
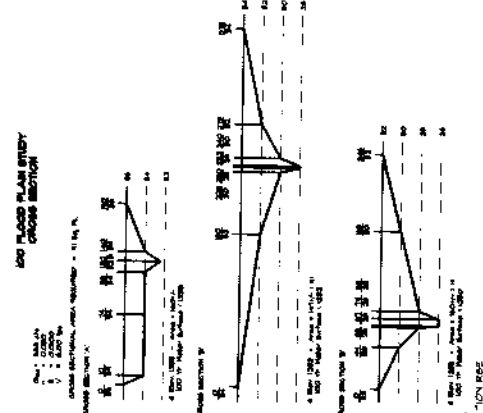


SCALE: 1"=100'

PROJECT: 000007
DATE: 07/20/01
REVISIONS:
1. 07/20/01
2. 07/20/01
3. 07/20/01
4. 07/20/01
5. 07/20/01
6. 07/20/01
7. 07/20/01
8. 07/20/01
9. 07/20/01
10. 07/20/01

2 OF 3

RECEIVED
SEP 15 2005
CITY OF LINCOLN
PLANNING DEPARTMENT





BRIAN D. CARSTENSEN & ASSOCIATES, INC.
 LAND PLANNING
 SURVEYING
 ENGINEERING
 ARCHITECTURE
 301 WEST LAKE ROAD
 LINCOLN, NE 68502
 PHONE: (402) 441-2100
 FAX: (402) 441-2101

**STEVENS CREEK
POINTE**

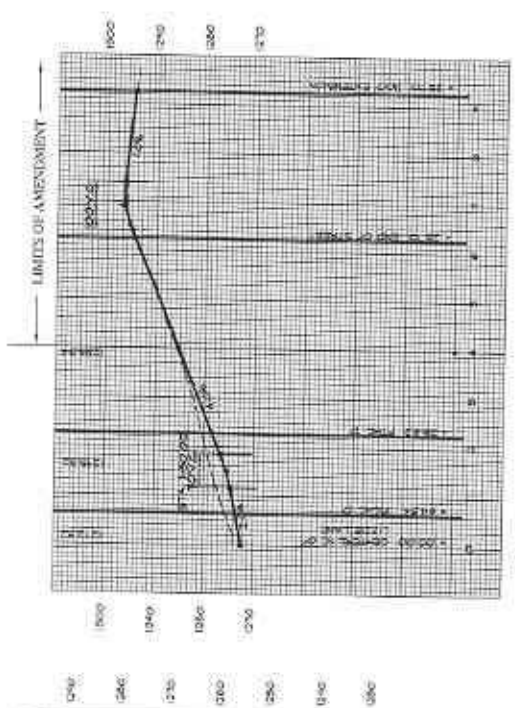
AMERICAN
 COMMUNITY
 UNIT PLAN
 SPECIAL PERMIT
 #1883A (1/17)

N. 140TH ST. &
 HOLLOMAN STREET
 LINCOLN, NE

**STREET
PROFILES**

SCALE:
 1" = 10' VERT.
 1" = 10' HORIZ.

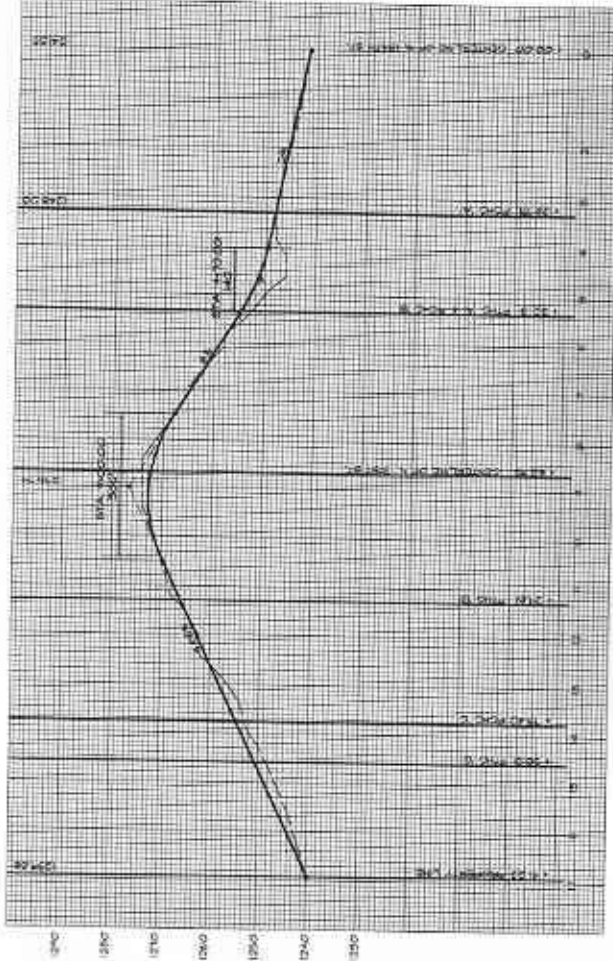
PROJECT #1883A
 SPECIAL PERMIT
 #1883A (1/17)



N. 131ST ST.

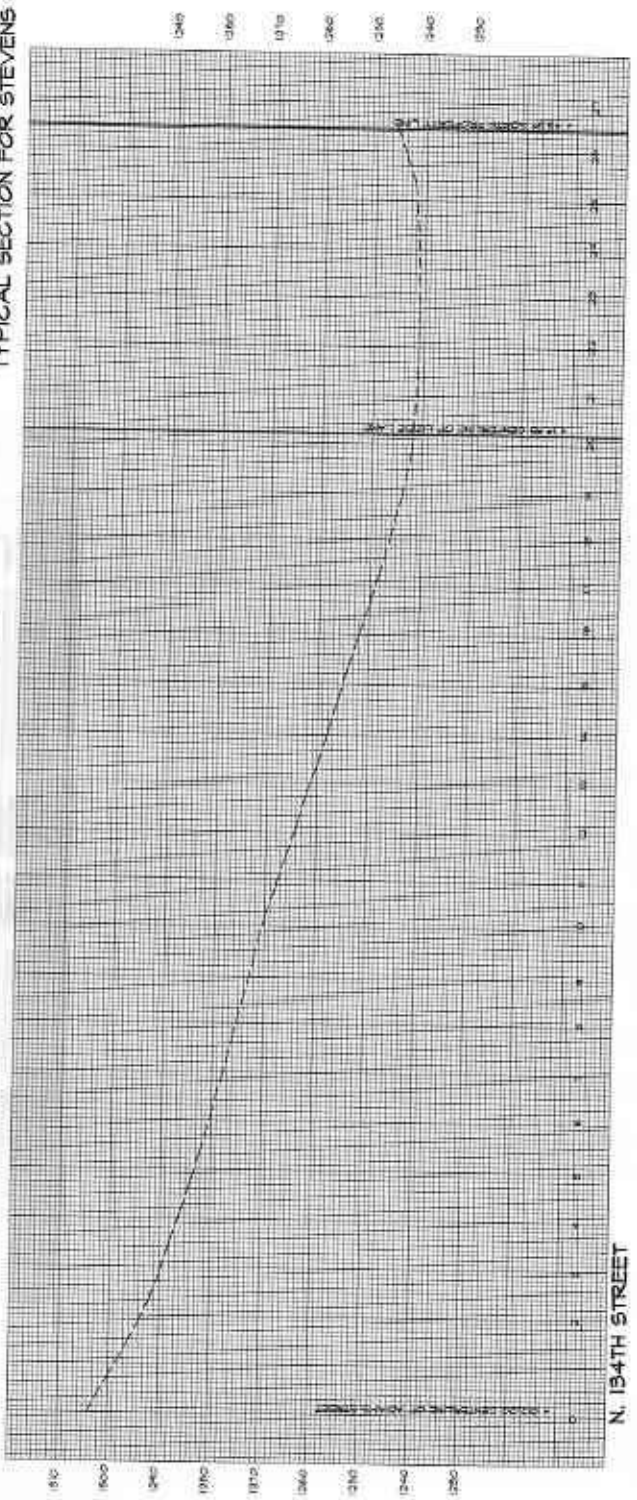


TYPICAL SECTION FOR STEVENS CREEK POINTE



LIZZIE LANE

Special Permit #1883A
 N. 134th & Adams St.



N. 134TH STREET

GENERAL NOTES

1. THIS AMENDED PRELIMINARY PLAT/ C.U.P. CONTAINS 158.85 ACRES MORE OR LESS.
2. THIS PRELIMINARY PLAT/C.U.P. PERMITS 9 SINGLE FAMILY LOTS AND 2 OUTLOTS. EACH LOT SHALL CONTAIN A MAXIMUM OF ONE SINGLE FAMILY RESIDENCE AND OUT BUILDINGS, ALL LOCATED WITHIN THE BUILDING ENVELOPES AS SHOWN AND/ OR NOTED.
3. THE CURRENT ZONING IS 'AG' WITH C.U.P. AND A 20% DENSITY BONUS.
4. THE MAXIMUM BUILDING HEIGHT SHALL NOT EXCEED 35 FEET, AS PER 'AG' ZONING.
5. THE DEVELOPER / OR OWNER RESERVES THE RIGHT TO BUILD ANYWHERE WITHIN THE BUILDING ENVELOPES SHOWN.
6. THE DEVELOPER PROPOSES THE USE OF CASS COUNTY RURAL WATER FOR POTABLE WATER SUPPLY.
7. THE DEVELOPER PROPOSES THE USE OF INDIVIDUAL WASTE WATER SYSTEMS. IF PERCOLATION TEST DO NOT PERMIT SUB SURFACE FIELDS, LAGOONS SHALL BE INSTALLED. WASTE WATER SYSTEMS SHALL BE APPROVED BY THE LANCASTER COUNTY HEALTH DEPARTMENT.
8. THE DEVELOPER SHALL CONSTRUCT AND SURFACE THE PRIVATE ROADWAY WITH 3" OF CRUSHED ROCK AND 1" OF GRAVEL IN ACCORDANCE WITH THE LANCASTER COUNTY STANDARDS. THE COUNTY SHALL BE NOTIFIED PRIOR TO THE LAYING OF THE GRAVEL. ALL SURFACING RADII AT INTERSECTIONS SHALL BE 30 FEET.
9. DEVELOPER SHALL INSTALL STREET IDENTIFICATION SIGNS, ONE 25 MPH SPEED LIMIT SIGN, ONE DEAD END SIGN AND ONE STOP SIGN JUST WEST OF N. 134TH STREET ON STEVENS POINTE ROAD.
10. ONLY ONE SUBDIVISION GROUND SIGN SHALL BE PERMITTED FOR THIS DEVELOPMENT.
11. ALL CURVILINEAR DIMENSIONS ARE CHORD LENGTHS.
12. COMMON AND PUBLIC ACCESS EASEMENTS ARE HEREBY GRANTED OVER THE PRIVATE ROADWAY SHOWN.
13. DIRECT VEHICULAR ACCESS TO N. 134TH STREET IS HEREBY RELINQUISHED EXCEPT TO STEVENS POINTE ROAD (OUTLOT 'B') AND ONE EXISTING FARM ACCESS. DIRECT VEHICULAR ACCESS TO ADAMS STREET IS HEREBY RELINQUISHED EXCEPT FOR THREE EXISTING FARM ACCESSES.
14. ALL TOPOGRAPHIC CONTOURS ARE AT NAVD 88 DATUM.
15. ONLY ONE RESIDENTIAL ACCESS SHALL BE PERMITTED PER EACH LOT.
16. THE FOLLOWING WAIVERS WERE APPROVED WITH THIS PRELIMINARY PLAT NO. 00027 AND CITY SPECIAL PERMIT 1883 & COUNTY SPECIAL PERMIT 185: SIDEWALKS, STREET TREES, STREET LIGHTING, LANDSCAPE SCREENING AND BLOCK LENGTH. WITH THIS AMENDMENT WE REQUEST THE WAIVERS OF THE PRELIMINARY PLAT, SIDEWALKS, STREET TREES, STREET LIGHTING, LANDSCAPE SCREENING AND BLOCK LENGTH.

**Special Permit #1883A
N. 134th & Adams St.**

LEGAL DESCRIPTION OF C.U.P.:

A legal description of Lot 1, Block 1; Lots 1-3, Block 2; Lots 1-3, Block 3; Outlots 'A', 'B' and 'C' all of Stevens Creek Pointe Addition and Lot 31 and 32 all located in the Southeast quarter of Section 8 Township 10 North Range 8 East of the Sixth Principal Meridian, Lancaster County, Nebraska. More particularly described by metes and bounds as follows.

Commencing at the East 1/4 Corner of Section 8 Township 10 North Range 8 East of the Sixth Principal Meridian, Lancaster County, Nebraska;

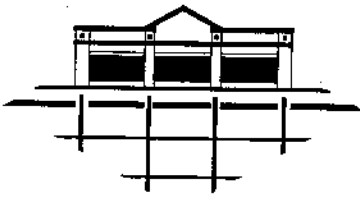
THENCE South 89 degrees 55 minutes 57 seconds West for a distance of 50.00 feet on the North line of the Southeast Quarter, to the West Right of way of North 134th Street, and the POINT OF BEGINNING;
THENCE South 00 degrees 46 minutes 55 seconds East for a distance of 2595.32 feet on the East right of way North 134th Street, to a point on the North right of way of Adams Street;
THENCE North 89 degrees 59 minutes 58 seconds West for a distance of 2598.44 feet on the afore said North right of way, to a point on the West line of the Southeast Quarter of Section 8;
THENCE North 00 degrees 08 minutes 36 seconds West for a distance of 2592.03 feet on the West line of the Southeast Quarter, to the Center of Section 8;
THENCE North 89 degrees 55 minutes 57 seconds East for a distance of 2569.51 feet on the North line of the Southeast Quarter of Section 8, to the POINT OF BEGINNING, and containing a calculated area of 153.850 acres more or less.

SURVEYOR'S CERTIFICATE:

HEREBY CERTIFY THAT THIS BOUNDARY SURVEY WAS MADE UNDER MY SUPERVISION AND THAT I AM A LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF NEBRASKA.

DATE _____ DEREK A. BEENBLOSSOM L.S. #570

**Special Permit #1883A
N. 134th & Adams St.**



BRIAN D. CARSTENS AND ASSOCIATES

LAND USE PLANNING RESIDENTIAL & COMMERCIAL DESIGN

601 Old Cheney Road, Suite C Lincoln, NE 68512 Phone: 402.434.2424

September 15, 2005

Mr. Marvin Krout, AICP
Director of Planning
City of Lincoln/ Lancaster County
555 South 10th Street
Lincoln, NE 68508

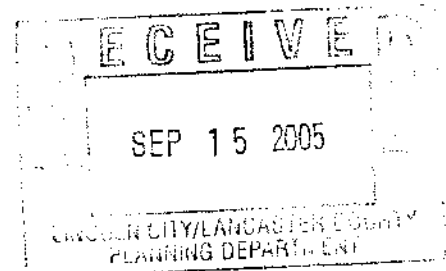
RE: STEVENS CREEK POINTE – SPECIAL PERMIT #1883A
NORTH 134TH AND ADAMS STREET

Dear Marvin,

On behalf of Gerry and Diane Krieser, we submit the following revised CUP for your review. Since the time of the original approval, the Krieser's have purchased the two-5 acre parcels in the southwestern portion of the site. These Irregular Tracts (I.T.'s) were not part of the original CUP. One I.T. contained an older home which has been removed, and the other lot is vacant.

The Krieser's want to include the former I.T.'s within the limits of the CUP and relocate them to the northwest, near the other lots in the CUP. This will clear the way for the future right of way needs in the intersection location of the proposed East Beltway and Adams Street. Thus, eliminating the possibility of residences being built now on the two I.T.'s and then the City or the NDOR having to acquire them when the project moves forward.

We are requesting a waiver of the Preliminary Plat process, as the Special Permit Plans include the same information as a Preliminary Plat. We are requesting the same waivers of the subdivision ordinance for sidewalks, street trees, street lighting, landscape screening and block length that were approved with the original Special Permit #1883.



Page 2

We are also processing a Change of Zone/ Text Change to Section 27.71.270 of the LMC to allow for the inclusion of existing I.T.'s to be included within the limits of a CUP and not affect the overall density.

Please contact me if you have any further questions.

Sincerely,



Brian D. Carstens

Cc: Gerry and Diane Krieser

Enclosures: Application for a Special Permit
Application Fees
24 copies of Sheet 1 of 3
8 copies of Sheets 2 & 3 of 3
Certificate of Ownership
8-1/2" x 11" reductions of the plans

Lancaster

DON R. THOMAS - COUNTY ENGINEER

County

Engineering

Department

DEPUTY - LARRY V. WORRELL
COUNTY SURVEYOR

DATE: September 19, 2005

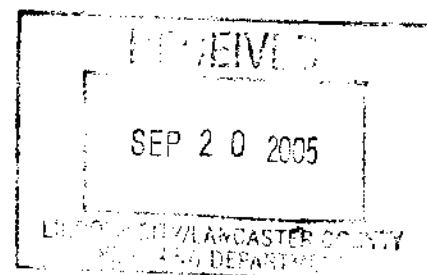
TO: Mike DeKalb
Planning Department

FROM: Larry V. Worrell
County Surveyor

SUBJECT: STEVENS CREEK POINTE
SPECIAL PERMIT NO. 1883A

This office has reviewed subject development and would offer the following comments:

- 1) Since Stevens Creek Pointe Addition has been platted, this development should be a replatting of Outlots A and C from Stevens Creek Pointe and Lots 31 and 32 irregular tracts.
- 2) We have no objections to the general idea of the development.



LVW/DP/bmi
Barbi/Subdiv.wk/Stevens Creek Point/Special Permit #1883A Mem.

INTER-DEPARTMENT COMMUNICATION



DATE: September 26, 2005
TO: Mike Dekalb, City Planning
FROM: Sharon Theobald *ST*
Ext 7640
SUBJECT: DEDICATED EASEMENTS
DN# 33N-130E SP# 1883A

Attached is the Revised Cup/Special Permit for Stevens Creek Pointe.

In reviewing the dedicated transmission line or other electrical easements shown on this plat, LES does not warrant, nor accept responsibility for the accuracy of any such dedicated easements.

Please note, the easements along the north and east lines on this CUP do not correspond with the final plat (copy attached). The easement along the east line should be 25 ft. and a 15 ft. easement across the north line.

LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT INTER-OFFICE COMMUNICATION

TO: Mike DeKalb **DATE:** September 27, 2005
DEPARTMENT: Planning **FROM:** Chris Schroeder
ATTENTION: **DEPARTMENT:** Health
CARBONS TO: EH File **SUBJECT:** Stevens Creek Pointe
EH Administration SP #1883A

The Lincoln-Lancaster County Health Department has reviewed the special permit application and does not object to the approval of this application.